

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ATTENTUS OF SCOTT COUNTY, LLC,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:07-CV-276
)	(VARLAN/SHIRLEY)
SCOTT LAUER,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This civil action is before the Court on defendant's Motion to Amend Notice of Removal [Doc. 6] and plaintiff's Motion for Remand [Doc. 3]. Plaintiff's motion to remand is based upon defendant's alleged failure to assert facts sufficient to invoke diversity of citizenship jurisdiction. Defendant's amended notice of removal [Doc. 6, Att. 1] aims to include greater specificity with regards to the facts related to his allegations of diversity of citizenship. Accordingly, the Court will consider defendant's motion to amend first, followed by plaintiff's motion to remand.

Defendant's motion to remand seeks to revise his original Notice of Removal [Doc. 1] to more specifically assert the basis for the diversity of citizenship of the parties in this case. Based upon this amendment, defendant argues that the case should not be remanded to state court. Plaintiff has not raised any objection to the amendment, and the time for doing so has passed. *See* E.D.TN. L.R. 7.1(a), 7.2.

Under Federal Rule of Civil Procedure 15(a), leave to amend pleadings “shall be freely given when justice so requires.” *See Foman v. Davis*, 371 U.S. 178, 181 (1962). It is also well-settled within the Sixth Circuit that “amendments to jurisdictional allegations of removal petitions should be permitted in the same manner as amendments to any other pleading.” *Gafford v. General Electric Co.*, 997 F.2d 150, 164 (6th Cir. 1993) (internal quotations removed). Therefore, in keeping with the spirit of these established principles, defendant’s Motion to Amend Notice of Removal [Doc. 6] is hereby **GRANTED**. Defendant is directed to electronically file the amended notice of removal within ten (10) days of the entry of this order.

Turning to plaintiff’s motion for remand, plaintiff argues that defendant’s original notice of removal “fails to allege facts sufficient to demonstrate his own citizenship, and he fails to allege facts sufficient to demonstrate the citizenship of Attentus Scott County.” [Doc. 4 at 1.] However, particularly given that defendant’s motion to amend has been granted, it appears to the Court that defendant has overcome the relatively low threshold of proving that the diversity jurisdiction requirements have been met in this case. *See Gafford*, 997 F.2d at 155; *see also Wilson v. Republic Iron & Steel Co.*, 257 U.S. 92, 97 (1921). Accordingly, plaintiff’s Motion to Remand [Doc. 3] is hereby **DENIED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE